IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 5710-M of 2007

DATE OF DECISION : 02.04.2007

Dilbagh Singh alias Bundhar

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Amit Jhanji, Advocate, for the petitioner.

Mr. N.D.S. Mann, Addl. A.G., Punjab.

Petitioner Dilbagh Singh alias Bundhar has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 222 dated 30.6.2001 under Sections 302/34 IPC, registered at Police Station Shahkot, Jalandhar.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 20.1.2007, passed by Sessions Judge, Jalandhar, whereby bail application of the petitioner has been dismissed.

3. On March 5, 2007, after partly hearing the matter, the case was adjourned for today on the ground that the two material witnesses, namely Narinder Singh, Sarpanch, before whom the alleged extra-judicial confession was made by the accused and Satnam Singh, who stated that in the year 2001 when he visited the house of the petitioner, he stated that he would kill the deceased, were not examined. Today, I have been informed by the State Counsel that both the aforesaid witnesses have been examined and they have not supported the prosecution case at all.

4. In view of the aforesaid facts and the fact that the petitioner is in custody since 28.7.2006, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

April 02, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**